

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 156 OF 2026

MAHESH HANMANT GHODKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Pratik G. Tare
APP for Respondent-State : Mr. A. S. Shalgaonkar
...

CORAM : SACHIN S. DESHMUKH, J.
Date : 25th March, 2026

PER COURT :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 06.04.2023 bearing Crime No. 186 of 2023 registered with Shivaji Nagar Police Station, Icchalkaranji, Dist. Kolhapur for the offences punishable under Sections 307, 504 read with 34 of the Indian Penal Code.

2. The prosecution case is that the informant Ananda Maruti Maske had previously been threatened by the accused during the Mhasoba Deva fair, which led him to file a police report. On 05.04.2023, around 8:30 PM, when informant was at his shop talking to his friend, Rasik Dayama, when the accused, Mahesh and Shiva, approached him. They began shouting insults and

questioning why he had filed a complaint against them at the Shahapur Police Station. The confrontation quickly turned violent. Mahesh and Shiva attacked informant Maske with a sharp, knife-like weapon, wounding his left hand, chest, and the area near his left ear. At the same time, Accused Ranjit and an unidentified person joined the assault, stabbing him in the stomach and back. During the struggle, Mahesh forcefully drove a knife into informant's back with force that the blade remained lodged in his body. In an effort to save his life, informant fled to a nearby shop owned by Sachin Shete. He was then rushed to IGM Hospital, Ichalkaranji, for emergency treatment. While at the hospital, he lodged the FIR.

3. The learned counsel for the applicant submits that the applicant has been falsely implicated in the offence. While the FIR mentions a knife being lodged, it is submitted that the incident lacks the necessary mens rea for an attempt. The confrontation was a sudden flare-up rather than a premeditated attempt on the informant's life. The learned counsel also submits that a co-accused in this crime has already been enlarged on bail. The arrest of the applicant is effected on 06.04.2023. Investigation is complete and the charge-sheet is filed. Nothing remains to be

recovered at the instance of applicant. There are no criminal antecedents. Applicant is a 22 years old young. As such, further incarceration of the applicant is unjustified. Hence, it is prayed that the application be allowed.

4. The learned APP opposed the application, submitting that the offence is serious in nature and that there is sufficient material on record to establish the applicant's complicity. The gravity of the assault and the evident intent to inflict life-threatening injuries are primary factors that disentitle the applicant from seeking bail. Furthermore, the APP argued that if the applicant is released on bail, there is every possibility of the prosecution evidence being tampered with or the offence being repeated. Accordingly, it was prayed that the application be rejected.

5. Upon considering the submissions of both sides and perusing the material on record, including the charge-sheet, the applicant has been in continuous judicial custody since his arrest. Since the primary weapon (the knife) was recovered and the scene of the offence has been surveyed, the custodial interrogation of the applicant is no longer required. Further detention would serve no

investigative purpose.

6. Upon persual of the FIR, the incident prima facie appears to have occurred during a sudden verbal altercation at the victim's shop. Whether there was a specific intent to kill or if the act was a result of a heat-of-the-moment is a matter of trial.

7. Furthermore, the co-accused, Shivaji and Gururaj have been enlarged on bail by the Sessions Court. Since the applicant is placed on similar footing as the co-accused, is also entitled for bail on the ground of parity.

8. The investigation is complete for all intent and purpose and the charge-sheet is filed. Having regard to the number of accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period.

9. As such, further detention of the applicant as an under trial prisoner, in the circumstances of the case, does not seem to be either warranted or justifiable. In view of the fact that the applicant has no prior criminal antecedents and is a young man of

22 years, I am inclined to exercise discretion in favour of applicant. The apprehension expressed by the learned APP about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

10. Hence, the following order:

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Mahesh Hanmant Ghodke be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in Crime No. 186 of 2023 registered with Shivaji Nagar Police Station, Icchalkaranji, Dist. Kolhapur for the offences punishable under Sections 307, 504 read with 34 of the Indian Penal Code, on the following conditions :-
 - (a) The applicant shall attend each and every date of the Trial Court unless exempted by the Trial Court.
 - (b) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (d) Breach of any of the conditions by the applicant would entail the cancellation of the bail.

- (iii) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi